

**AN ORDINANCE TO AMEND THE CITY OF JOHNS CREEK CODE OF
ORDINANCES, CHAPTER 109 – NATURAL RESOURCES AND ENVIRONMENTAL
PROTECTION, BY ADDING “ARTICLE IX. PET SOLID WASTE” TO ADDRESS
WATER QUALITY ISSUES IN CAULEY CREEK, JOHNS CREEK AND LONG
INDIAN CREEK**

WHEREAS, the city submits a Phase II municipal separate storm sewer system (MS4) report to the Georgia Environmental Protection Division (EPD) annually, as part of the city’s National Pollutant Discharge Elimination System (NPDES) permit; and

WHEREAS, as part of the MS4 report, the city monitors five stream segments that are listed in the Georgia Clean Water Act, Sections 305(b)/303(d) as “Impaired Waters”; and

WHEREAS, during the 2020 MS4 report review, EPD noticed that the trend of fecal coliform concentration in Cauley Creek, Johns Creek and Long Indian Creek has been increasing, and has requested the city to add a best management practice (BMP) to address the water quality issue; and

WHEREAS, since pets are the primary source of fecal coliform in the watershed, establishing requirements for the proper disposal of pet solid waste within the City of Johns Creek would help address the water quality issue.

NOW THEREFORE, the Mayor and City Council of the City of Johns Creek hereby ordain that Chapter 109 – Natural Resources and Environmental Protection of the City Code of Ordinances is amended by adding “Article IX. Pet Solid Waste” to read as follows:

ARTICLE IX. – PET SOLID WASTE

Sec. 109-222. – Purpose.

The purpose of this article is to establish requirements for the proper disposal of pet solid waste in the City of Johns Creek so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

Sec. 109-223. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Immediate shall mean that the pet solid waste is removed at once, without delay.

Owner/Keeper means any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

Pet means a domesticated animal kept for support, amusement or companionship, and raised to live in the habitat of humans and is dependent upon them for food and shelter. Pets include, but are not limited to, dogs, cats, rabbits, and/or potbellied pigs. Livestock and wild animals shall not be deemed pets.

Pet solid waste means waste matter expelled from the bowels of the pet.

Proper disposal means placement in a designated waste receptacle or other suitable container, and discarded in a refuse container which is regularly emptied by a refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal. Disposal into a storm drain or stormwater system is strictly prohibited.

Sec. 109-224. – Requirement for disposal.

All pet owners/keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by the owner/keeper.

On any property owned or possessed by a pet's owner/keeper, it is required to properly dispose of their pet's solid waste as frequently as necessary to protect public health, safety and welfare.

Sec. 109-225. – Enforcement.

The provisions of this Article shall be enforced by the City of Johns Creek's Code Compliance Division.

Sec. 109-226. – Violations and penalties.

Any pet owner(s)/keeper(s) who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed:

- (1) \$100.00 for each offense except as otherwise set forth below;
- (2) \$200.00 for the second offense within a year; and
- (3) \$300.00 for the third and any subsequent offenses within a year.

SO RESOLVED, this 25th day of October, 2021.



Approved:

Michael E. Bodker, Mayor

ATTEST:

Allison Tarpley, City Clerk

Approved as to Form and Content:

E. Ronald Bennett, Jr., City Attorney